

RECEIVED
CENTRAL FAX CENTER

MAY 23 2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 30005991-2IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Marianne HICKEY et al.

Confirmation No.: 7400

Application No.: 09/994,915

Examiner: Cheryl M. REID

Filing Date: November 27, 2001

Group Art Unit: 2142

Title: ENHANCEMENT OF COMMUNICATION CAPABILITIES

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on March 23, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$450☐ 3rd Month
\$1020☐ 4th Month
\$1590☐ The extension fee has already been filed in this application.☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450
Date of Deposit:

OR

☒ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.Date of facsimile: 5/23/06

Typed Name:

Signature: Randy A. NoranbrockRandy Noranbrock
Registration No. 42,940

Respectfully submitted,

Marianne HICKEY et al.

By Randy A. Noranbrock

Randy A. Noranbrock

Attorney/Agent for Applicant(s)

Reg No.: 42,940

Date: May 23, 2006

Telephone: 703.644.1111

Rev 10/05 (AplBrief)

BEST AVAILABLE COPY

Docket No. 30005991-2 (1509-247)

RECEIVED
CENTRAL FAX CENTER

PATENT

MAY 23 2006

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	
Inventors: Marianne HICKEY et al.	: Confirmation No. 7400
	:
U.S. Patent Application No. 09/994,915	: Group Art Unit: 2142
:	
Filed: November 27, 2001	: Examiner: Cheryl M. REID
:	
For: ENHANCEMENT OF COMMUNICATION CAPABILITIES	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

BRIEF ON APPEAL

Further to the Notice of Appeal filed March 23, 2006, in connection with the above-identified application on appeal, herewith is Appellant's Brief on Appeal. The Commissioner is authorized to charge Deposit Account No. 08-2025 in the amount of \$500 for the statutory fee.

To the extent necessary, Appellant hereby requests any required extension of time under 37 C.F.R. §1.136 and hereby authorizes the Commissioner to charge any required fees not otherwise provided for to Deposit Account No. 08-2025.

05/25/2006 AMONDAF1 00000082 082025 09994915

01 FC:1402 500.00 DA

BEST AVAILABLE COPY

Serial No. 09/994,915

TABLE OF CONTENTS

I. Real Party in Interest.....	5
II. Related Appeals and Interferences	5
III. Status of Claims	5
IV. Status of Amendments.....	5
V. Summary of Claimed Subject Matter.....	6
VI. Grounds of Rejection to be Reviewed on Appeal.....	12
A. Claims 1, 2-6, and 8 are patentable over Mark in view of Dalrymple in view of Ogdon 12	
B. Claim 7 is patentable over Mark in view of Dalrymple in view of Ogdon in view of Wolfe.....	12
C. Claims 9-10 are patentable over Mark in view of Dalrymple in view of Ogdon in view of Pennock.....	12
D. Claim 16 is patentable over Dalrymple in view of Ogdon	12
E. Claim 17 is patentable over Ogdon in view of Dalrymple	12
VII. Argument.....	13
A. Claims 1, 2-6, and 8 are patentable over Mark in view of Dalrymple in view of Ogdon 13	
B. Claim 7 is patentable over Mark in view of Dalrymple in view of Ogdon in view of Wolfe.....	18
C. Claims 9-10 are patentable over Mark in view of Dalrymple in view of Ogdon in view of Pennock.....	19
D. Claim 16 is patentable over Dalrymple in view of Ogdon	19

BEST AVAILABLE COPY

Serial No. 09/994,915

E. Claim 17 is patentable over Ogdon in view of Dalrymple	20
VIII. Conclusion	22
IX. Claims Appendix.....	23
X. Evidence Appendix	27
XI. Related Proceedings Appendix.....	28

BEST AVAILABLE COPY

Serial No. 09/994,915

TABLE OF AUTHORITIES

Cases

<u>Ex parte Levy</u> , 17 U.S.P.Q.2d 1461, 1464 (B.P.A.I. 1990)	13, 17, 21
<u>In re Oelrich</u> , 666 F.2d 578, 581-82, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981).....	13, 17, 21
<u>In re Rijckaert</u> , 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993).....	13, 17, 21
<u>In re Roberston</u> , 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950-51 (Fed. Cir. 1999)....	13, 17, 21
<u>Winner International Royalty Corp. v. Wang</u> , 53 USPQ2d 1580, 1586 (Fed. Cir. 2000)...	16, 19,

20

BEST AVAILABLE COPY

Serial No. 09/994,915

I. Real Party in Interest

The real party in interest is Hewlett Packard Development Company, L.P., a Texas limited partnership.

II. Related Appeals and Interferences

There are no related appeals and/or interferences.

III. Status of Claims

No claims are allowed.

Claims 11-15 are withdrawn. Claims 1, 2-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mark et al. (USP 6,687,358) in view of Dalrymple et al. (USP 6,976,094) in view of Ogdon et al. (USP 6,598,075). Claim 7 is rejected under 35 U.S.C. 103A) as being unpatentable over Mark et al. (USP 6,687,358) in view of Dalrymple et al. (USP 6,976,094) in view of Ogdon et al. (USP 6,598,075) and further in view of Wolfe et al. (USP 6,779,025). Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mark et al. (USP 6,687,358) in view of Dalrymple et al. (USP 6,976,094) in view of Ogdon et al. (USP 6,598,075) and further in view of Pennock (USP 6,807,562). Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dalrymple et al. (USP 6,976,094) in view of Ogdon et al. (USP 6,598,075). Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogdon et al. (USP 6,598,075) in view of Dalrymple et al. (USP 6,976,094).

IV. Status of Amendments

There are no outstanding unentered amendments.

Serial No. 09/994,915

V. Summary of Claimed Subject Matter

The present invention relates to a method of enhancing communication between a user using a first device and a content server with which the user is interacting through an interfacing handler, i.e., a multimodal browser. Instant specification at FIG. 7 and page 1, lines 5-7. The user, using the first device, passes on session joining information to a second device and the second device uses the joining information to join the session. Instant specification at FIG. 7 and page 9, lines 7-16 and page 12, line 22-page 13, line 2. The multimodal browser then distributes content, which may include content references, from the content server to the devices in the session for output to the user. Instant specification at FIG. 7 and page 13, line 13 - page 14, line 8.

In accordance with a method embodiment of the present invention, the method enhances communication between a user using a first device and a content server with which the user is interacting through an interfacing handler. Instant specification at page 11, lines 22-31. The method comprises the communication between the first device and interfacing handler being managed as a session having one or more participants. Instant specification at page 12, lines 10-27 ("The service system includes a session manager 71 which whenever a subscriber logs on their voice browser service, generates a new session object instant 100 for the communication session with the user." and "The user therefore instructs a nearby video output device (peripheral 75) to join the user's current session with the service system."). The user, by way of the first device being connected to the session, is an initial participant to the session. Instant specification at page 12, line 14 ("Initially, the sole participant is the subscriber (user5).").

Serial No. 09/994,915

According to the method, the user, using the first device, instructs an output device to join the session by way of session-joining information being passed from the first device to the output device. Instant specification at FIG. 7 and page 12, line 22 - page 13, line 11 ("The user therefore instructs a nearby video output device (peripheral 75) to join the user's current session with the service system. This is achieved by the sending of joining information over a short-range communication link 82 from the device 40 to the device 75. This short-range link can be, for example, a Bluetooth radio link or an infrared link with the devices 40 and 75 having transmitter 76 and receiver 77 respectively. The joining information comprises an address (e.g. URL) of an 'assist' interface 73 of the service system and session-identifying information.").

The output device joins the session as a participant using the session-joining information. Instant specification at page 14, lines 4-11 ("A communications subsystem 78 of the peripheral device 75 uses the joining information to connect with the assist interface 73 of the service system 70.").

Further, the interfacing handler sends content and/or content references from the content server to the participants in the session and the output device outputs for the user at least some of the content from the interfacing handler. Instant specification at page 13, lines 16-28 ("The browser can interact with the device in several ways. . . . the browser can send messages for display . . . can receive a video file and interpret it for sending on to the device 75 for display . . . can simply pass the device all references to video files.").

These advantages are achieved by the present invention as recited in the method of independent claim 1 which provides: "A method of enhancing communication between a user

Serial No. 09/994,915

using a first device and a content server with which the user is interacting through an interfacing handler, wherein: the communication is managed as a session having one or more participants, the user, via the first device, being an initial participant to the session; the user, using the first device, instructs an output device to join the session, session-joining information being passed from the first device to the output device; the output device uses the session-joining information to join the session as a participant; and the interfacing handler sends content and/or content references from the content server to the participants in the session, the output device outputting for the user at least some of the content."

In accordance with a voice browser service system embodiment of the present invention, the service system provides voice-form content to a user device. The service system comprises a session manager operative to set up a communication session with the user device as an initial member and to pass the user device a session identifier for the session. Instant specification at page 12, lines 10-27 ("The service system includes a session manager 71 which whenever a subscriber logs on their voice browser service, generates a new session object instant 100 for the communication session with the user.", "The user therefore instructs a nearby video output device (peripheral 75) to join the user's current session with the service system.", and "Initially, the sole participant is the subscriber (user5).").

The service system further comprises means for retrieving content from a content server and delivering at least some of the content as voice signals to the user device. Instant specification at FIG. 7 (voice browser 3) and page 11, lines 23-31 ("The user is interfacing with the content server 4 through a voice browser 3 that is hosted in a browser service system 70 connected to the communications infrastructure The content server 4 thus exchanges

Serial No. 09/994,915

content data with the browser 3 (see arrow 81) and the user exchanges voice data with the browser 3 (see arrow 80).") and page 14, lines 16-30.

The service system further comprises receiving means for receiving a joining request including a session identifier and capability information concerning what types of content the output device can handle, from an output device. Instant specification at FIG. 7 (interface 72 and/or assist interface 73) and page 13, lines 4-11 and page 14, lines 10-14. The receiving means is configured to pass the request to the session manager, and the session manager, in response to the request to join the output device to the communication session, is configured to register the output device's capability information. Instant specification at page 13, lines 4-11 and page 14, lines 10-30.

The service system further comprises means for sending elements of the content retrieved from the content server to the output device while joined to the communication session. The elements sent to the output device are of a type which, according to the output device's registered capability information, the output device can handle. Instant specification at FIG. 7 (browser 3) and page 13, lines 25-28, and page 14, lines 16-26.

These advantages are achieved by the present invention as recited in the apparatus of independent claim 16 which provides: "A voice browser service system for providing voice-form content to a user device, the service system comprising: a session manager operative to set up a communication session with the user device as an initial member, and to pass the user device a session identifier for the session; means for retrieving content from a content server and delivering at least some of that content as voice signals to the user device; receiving means for receiving, from an output device, a joining request including said session identifier and

BEST AVAILABLE COPY

Serial No. 09/994,915

capability information concerning what types of content the output device can handle, the receiving means being operative to pass the request to the session manager, and the session manager being responsive to the request to join the output device to the communication session and register its capability information; and means for sending to the output device, whilst joined to the communication session, elements of the said content retrieved from the content server that are of a type which, according to the device's registered capability information, the output device can handle."

In accordance with a user communication device embodiment of the present invention, the communication device comprises a processor and a transmitter connected to be responsive to the processor. Instant specification at FIG. 7 (mobile entity 40 and transmitter 76).

The processor sets up a communication session with an interfacing handler through which the user device is able to receive content from a content server. Instant specification at page 12, line 10 - page 13, line 2. The processor further assembles session joining data for enabling an output device to join the communication session by the device passing the session joining data to the interfacing handler. Instant specification at page 12, line 10 - page 13, line 2.

The transmitter is configured to send the session joining information to the output device independently of the interfacing handler. Instant specification at page 12, line 24 - page 13, line 2.

These advantages are achieved by the present invention as recited in the apparatus of independent claim 17 which provides: "A user communication device comprising: a processor for (a) setting up a communications session with an interfacing handler through which the user

Serial No. 09/994,915

device can receive content from a content server and (b) assembling session joining data for enabling an output device to join the communication session by that device passing the session joining data to the interfacing handler; and a transmitter connected to be responsive to the processor for sending the session joining information to the output device independently of the interfacing handler.

BEST AVAILABLE COPY

Serial No. 09/994,915

VI. Grounds of Rejection to be Reviewed on Appeal

- A. Claims 1, 2-6, and 8 are patentable over Mark in view of Dalrymple in view of Ogdon**
- B. Claim 7 is patentable over Mark in view of Dalrymple in view of Ogdon in view of Wolfe**
- C. Claims 9-10 are patentable over Mark in view of Dalrymple in view of Ogdon in view of Pennock**
- D. Claim 16 is patentable over Dalrymple in view of Ogdon**
- E. Claim 17 is patentable over Ogdon in view of Dalrymple**

BEST AVAILABLE COPY

Serial No. 09/994,915

VII. Argument

A. Claims 1, 2-6, and 8 are patentable over Mark in view of Dalrymple in view of Ogdon

The rejection of claims 1, 2-6, and 8 under 35 U.S.C. 103(a) as being unpatentable over Mark in view of Dalrymple in view of Ogdon is hereby traversed. Claims 1, 2-6, and 8 are patentable over the applied combination of references for at least 6 reasons.

1. Mark fails to disclose "the communication is managed as a session having one or more participants" as claimed in the subject matter of claim 1.

The Patent and Trademark Office (PTO) asserts in the Final Official Action (FOA) that Mark teaches that the communication is managed as a session. FOA at page 2, final paragraph. However, Mark appears to describe an ongoing conference among members without specifying use of a session among the members. Mark at column 3, lines 20-25. That is, Mark appears to describe a member as merely transmitting "packets to all other conference members" in order to communicate. Mark at column 3, line 31. Mark fails to disclose a session as described at page 12, lines 10-20 of the instant specification. According to the instant specification, a new session object instance 100 is generated for a communication session with the user and the "session object 100 holds data about the communication session including the current participants to the session and the content server currently visited." Instant specification at page 12, lines 11-14. Mark fails to disclose that the communication is managed as a session. For at least this reason, reversal of the rejection is respectfully requested.

Serial No. 09/994,915

Further, the PTO has failed to meet the burden of showing by inherency that Mark disclose the communication is managed as a session. If the PTO is stating that the quoted portions of Mark inherently provides management of the communication as a session, the PTO has not met the burden of establishing a prima facie case of inherency.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993); In re Oelrich, 666 F.2d 578, 581-82, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981). To establish inherency, extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference and that it would be so recognized by persons of ordinary skill in the art. Inherency may not be established by possibilities or probabilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. In re Roberston, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950-51 (Fed. Cir. 1999). In relying upon a theory of inherency, the Examiner must provide a basis in fact or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the prior art. Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (B.P.A.I. 1990). Since the Examiner has not provided a rationale or evidence to show that Mark inherently manages the communication as a session, reversal of the rejection is respectfully requested.

2. Mark fails to disclose "the user, using the first device, instructs an output device to join the session" as claimed in the subject matter of claim 1.

The PTO asserts that Mark teaches the user, using the first device, instructs an output device (computer) to join the session. FOA at page 2, final two lines. However, the relied upon section of Mark fails to disclose any such teaching. Specifically, column 3, lines 20-25 of

Serial No. 09/994,915

Mark states that "it is desired to add member 105 to the conference. Conference member 104 decides to initiate the addition of joining member 105 to the conference." There is no disclosure or suggestion in the cited portion of Mark of a user, by way of a first device, instructing an output device to join a session. Rather, Mark describes an invitation being sent to a joining member.

Further, the joining member to whom the invitation is sent is a person and not an output device as claimed. In accordance with Mark, as best understood, the invitation is sent to a member at a terminal who then, presumably, instructs the terminal to send "triggered invites" to other conference members' terminals. Mark at column 3, lines 36-44. Thus, Mark fails to disclose a user, using a first device and being an initial participant to the session, instructing an output device to join the session. For each of these reasons, reversal of the rejection is respectfully requested.

The PTO admits that Mark fails to disclose the remaining limitations of claim 1.

Neither Dalrymple nor Ogdon cure each of the above-noted deficiencies of Mark.

3. Ogdon fails to disclose communications managed as a session.

Although, Ogdon appears to describe a content server, there is no suggestion that the content server is being accessed by communications managed as a communication session so that participants in the session can receive served content. For at least this reason, reversal of the rejection is respectfully requested.

Serial No. 09/994,915

4. Ogdon fails to disclose "the output device outputting for the user at least some of the content" as claimed in the subject matter of claim 1.

Ogdon fails to disclose or suggest the limitation by which the output device, joined to a session as a participant at the instruction of the user, outputs for the user at least some of the content served by the content server. The present claimed subject is concerned with joining output devices to a session of user interaction with a content server in order to enhance the content output capabilities available to a user. In contrast, the prior art systems are concerned with multiple independent parties (in Ogdon, these are the presentation recipients). Ogdon appears to describe content webserver placed within secure corporate intranets and controlled from external of a firewall. Ogdon at column 15, lines 43-47. Ogdon fails to disclose that the output device outputs content to the user where the user instructed, using the first device, the output device to join a session to which the user, via the first device, was an initial participant to the session. For at least this reason, reversal of the rejection is respectfully requested.

5. Ogdon fails to disclose an "interfacing handler sends content and/or content references from the content server to the participants in the session" as claimed in the subject matter of claim 1.

Further, the PTO asserts in the FOA that Ogdon's firewall is an interfacing handler. This is incorrect. A firewall functions to prevent communications based on a security policy, i.e., "a network security feature that restricts communications with devices not included in the intranet, and in particular, that restricts the access to data stored within the intranet." Ogdon at column 7, lines 9-12. Based thereon, Ogdon's firewall fails to "send[] content and/or content references from [a] content server to participants in the session" as claimed in the subject matter of claim 1. For at least this reason, reversal of the rejection is respectfully requested.

Serial No. 09/994,915

6. The combination of references is unsupported and based on impermissible hindsight.

The PTO asserts that a person of ordinary skill in the art at the time of the present invention would have been motivated to combine the references in order to obtain a more efficient and cost-effective method of facilitating multi-party conferencing via a network. First, the cited portion of Ogdon (column 1, lines 20-50) appears to be broadly directed to the advantages of telepresentations over live presentations and not in support of any of the piecemeal selections cobbled together by the PTO. The PTO has failed to identify a teaching, suggestion, or motivation in any of the references teaching, suggesting, or describing the asserted combination.

The Examiner appears to have improperly applied hindsight reasoning based on the present invention to make the asserted combination. The Examiner's argument that the references are from a similar area does not identify why the combination would be obvious to a person of ordinary skill in the art or why a person of ordinary skill would be motivated to make the combination.

"When an obviousness determination is based on multiple prior art references, there must be a showing of some 'teaching, suggestion, or reason' to combine the references." *Winner International Royalty Corp. v. Wang*, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). The Examiner has failed to make such a showing supporting the applied combination of references and therefore the applied combination of references is improper. The Examiner is in error for any of the above reasons and has not made out a prima facie case of obviousness, and the rejection of claim 1 should be reversed.

BEST AVAILABLE COPY

Serial No. 09/994,915

For each of the above reasons, claim 1 is patentable over the applied combination of references and the rejection should be reversed.

Claims 2-6 depend, either directly or indirectly, from claim 1, include further important limitations, and are patentable over Mark in view of Dalrymple in view of Ogdon for at least the reasons advanced above with respect to claim 1. The rejection of claims 2-6 should be reversed.

Further with specific reference to claim 5, the claim language provides that the interfacing handler "is a browser arranged to interpret pages with markup tags provided by the content server". The PTO has argued that it would be obvious for the firewall of Ogdon to interpret pages with markup tags without identifying any support in any of the applied references. As stated in Ogdon, a firewall functions to prevent communications and there is no description or suggestion of the Ogdon firewall being arranged to interpret pages with markup tags. The PTO's argument is purely speculative, without basis in any of the references and the rejection based thereon should be reversed.

B. Claim 7 is patentable over Mark in view of Dalrymple in view of Ogdon in view of Wolfe

The rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Mark in view of Dalrymple in view of Ogdon in view of Wolfe is hereby traversed. Claim 7 depends from claim 1 and is patentable over the applied combination of references for at least the reasons advanced above with respect to claim 1. Wolfe fails to cure the above-noted deficiencies of Mark, Dalrymple, and Ogdon and for at least this reason, the rejection should be reversed.

Serial No. 09/994,915

Further, a motivation to combine Wolfe with Mark, Dalrymple, and Ogdon has not been specified by the PTO. The reference made to "[t]he motivation discussed above in claim 2 applies" at page 5 of the FOA is not understood. For the reasons presented with respect to the sixth reason presented above, the asserted combination of references is improper and for at least this reason, reversal of the rejection is respectfully requested.

C. Claims 9-10 are patentable over Mark in view of Dalrymple in view of Ogdon in view of Pennock

The rejection of claims 9-10 under 35 U.S.C. 103(a) as being unpatentable over Mark in view of Dalrymple in view of Ogdon in view of Pennock is hereby traversed. Claims 9 and 10 depend from claim 1 and are patentable over the applied combination of references for at least the reasons advanced above with respect to claim 1. Pennock fails to cure the above-noted deficiencies of Mark, Dalrymple, and Ogdon and for at least this reason, the rejection should be reversed.

D. Claim 16 is patentable over Dalrymple in view of Ogdon

The rejection of claim 16 under 35 U.S.C. 103(a) as being unpatentable over Dalrymple in view of Ogdon is hereby traversed.

The PTO asserts that a person of ordinary skill in the art at the time of the present invention would have been motivated to combine the references in order to obtain a more efficient and cost-effective method of facilitating multi-party conferencing via a network. First, as described above, the cited portion of Ogdon (column 1, lines 20-50) appears to be broadly directed to the advantages of telepresentations over live presentations and not in support of any of the piecemeal selections cobbled together by the PTO. The PTO has failed to identify a

Serial No. 09/994,915

teaching, suggestion, or motivation in any of the references teaching, suggesting, or describing the asserted combination.

The Examiner appears to have improperly applied hindsight reasoning based on the present invention to make the asserted combination. The Examiner's argument that the references are from a similar area does not identify why the combination would be obvious to a person of ordinary skill in the art or why a person of ordinary skill would be motivated to make the combination.

"When an obviousness determination is based on multiple prior art references, there must be a showing of some 'teaching, suggestion, or reason' to combine the references." Winner International Royalty Corp. v. Wang, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). The Examiner has failed to make such a showing supporting the applied combination of references and therefore the applied combination of references is improper. The Examiner is in error for any of the above reasons and has not made out a prima facie case of obviousness, and the rejection of claim 16 should be reversed.

E. Claim 17 is patentable over Ogdon in view of Dalrymple

The rejection of claim 17 under 35 U.S.C. 103(a) as being unpatentable over Ogdon in view of Dalrymple is hereby traversed. Claim 17 is patentable over the applied combination of references for at least a reason similar to the fifth reason advanced above with respect to claim 1, i.e., Ogdon fails to disclose a processor interacting with an interfacing handler as claimed in the subject matter of claim 17.

Serial No. 09/994,915

Further, the PTO asserts that a person of ordinary skill in the art at the time of the present invention would have been motivated to combine the references in order to obtain a more efficient and cost-effective method of facilitating multi-party conferencing via a network. First, as described above, the cited portion of Ogdon (column 1, lines 20-50) appears to be broadly directed to the advantages of telepresentations over live presentations and not in support of any of the piecemeal selections cobbled together by the PTO. The PTO has failed to identify a teaching, suggestion, or motivation in any of the references teaching, suggesting, or describing the asserted combination.

The Examiner appears to have improperly applied hindsight reasoning based on the present invention to make the asserted combination. The Examiner's argument that the references are from a similar area does not identify why the combination would be obvious to a person of ordinary skill in the art or why a person of ordinary skill would be motivated to make the combination.

"When an obviousness determination is based on multiple prior art references, there must be a showing of some 'teaching, suggestion, or reason' to combine the references." Winner International Royalty Corp. v. Wang, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). The Examiner has failed to make such a showing supporting the applied combination of references and therefore the applied combination of references is improper. The Examiner is in error for any of the above reasons and has not made out a prima facie case of obviousness, and the rejection of claim 16 should be reversed.

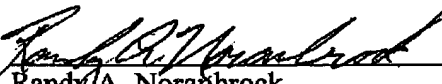
Serial No. 09/994,915

VIII. Conclusion

Reversal of the rejections is in order.

Respectfully submitted,
Marianne HICKEY et al.

By:


Randy A. Noranbrock
Reg. No. 42,940

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400
Telephone: 703-684-1111
Facsimile: 970-898-0640
Date: May 23, 2006
RAN

BEST AVAILABLE COPY

Docket No. 324-1410017911-3-Streeter (1509-240A)

PATENT**IX. Claims Appendix**

1. A method of enhancing communication between a user using a first device and a content server with which the user is interacting through an interfacing handler, wherein:

the communication is managed as a session having one or more participants, the user, via the first device, being an initial participant to the session;

the user, using the first device, instructs an output device to join the session, session-joining information being passed from the first device to the output device;

the output device uses the session-joining information to join the session as a participant; and

the interfacing handler sends content and/or content references from the content server to the participants in the session, the output device outputting for the user at least some of the content.

2. A method according to claim 1, wherein the devices register their communication capabilities with the session and the interfacing handler sends content and/or content references from the content server to the devices taking account of their registered capabilities.

3. A method according to claim 1, wherein the interfacing handler sends content from the content server to the output device according to authorisation information specified by the user.

4. A method according to claim 1, wherein the content server provides content in multiple media types and the output device is capable of handling one or more media types not handled by the first device.

Serial No. 09/994,915

5. A method according to claim 1, wherein the interfacing handler is a browser arranged to interpret pages with markup tags provided by the content server.

6. A method according to claim 5, wherein the first device is a voice communication device and the interfacing handler is a multimodal browser capable of handling voice markup pages provided by the content server.

7. A method according to claim 6, wherein the first device is a cellular phone.

8. A method according to claim 1, wherein the first device passes on the session-joining information using a short-range communication link.

9. A method according to claim 1, wherein the output device is named upon session-joining with a name that is known to both the user and the interfacing handler.

10. A method according to claim 1, wherein the user can communicate with the output device via the first device and the interfacing handler.

11. A user communication device comprising:

means for setting up a communications session with an interfacing handler through which the user device can receive content from a content server;

means for assembling session-joining data for enabling an output device to join the communication session by that device passing the session-joining data to the interfacing handler;
and

Serial No. 09/994,915

means for sending the session-joining information to the output device independently of the interfacing handler.

12. A device according to claim 11, wherein said means for sending the session-joining information is a short-range communication subsystem.

13. A device according to claim 11, wherein said means for assembling session-joining data comprises means for receiving a session identifier from the interfacing handler.

14. A peripheral device comprising:

peripheral functionality;

a short-range communications subsystem for receiving session-joining data over a short-range communications link; and

a communications subsystem for sending the session-joining information to an interfacing handler to join an existing communication session and to receive content for output via the peripheral functionality of the device.

15. A peripheral device according to claim 14, wherein the communications subsystem is operative to send along with said session-joining information, data on the types of content that the peripheral device can handle.

16. A voice browser service system for providing voice-form content to a user device, the service system comprising:

Serial No. 09/994,915

a session manager operative to set up a communication session with the user device as an initial member, and to pass the user device a session identifier for the session;

means for retrieving content from a content server and delivering at least some of that content as voice signals to the user device;

receiving means for receiving, from an output device, a joining request including said session identifier and capability information concerning what types of content the output device can handle, the receiving means being operative to pass the request to the session manager, and the session manager being responsive to the request to join the output device to the communication session and register its capability information; and

means for sending to the output device, whilst joined to the communication session, elements of the said content retrieved from the content server that are of a type which, according to the device's registered capability information, the output device can handle.

17. A user communication device comprising:

a processor for (a) setting up a communications session with an interfacing handler through which the user device can receive content from a content server and (b) assembling session joining data for enabling an output device to join the communication session by that device passing the session joining data to the interfacing handler; and

a transmitter connected to be responsive to the processor for sending the session joining information to the output device independently of the interfacing handler.

Serial No. 09/994,915

X. Evidence Appendix

None.

BEST AVAILABLE COPY

Serial No. 09/994,915

XI. Related Proceedings Appendix

None.

BEST AVAILABLE COPY